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IR6561-004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Eric Guenin et al

Serial No.: 10/035,383

Group No.: 1616

**RECEIVED**

Filed: November 9, 2001

Examiner: Shelley Dodson

**AUG 16 2002**

For: ELASTOMER FREE, HIGH EFFICACY ANTIPERSPIRANT STICK

**TECH CENTER 1600/2900**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING  
REJECTION [37 CFR 1.321(b)]**

**Identification Of Person(s) Making This Disclaimer**

Name of disclaimant: Rosemary M. Miano

Having a business address of: Colgate-Palmolive Company, 909 River Road, Piscataway, NJ 08855-1343

represent that I am



an inventor of this invention



an assignee of this invention



a representative authorized to sign on behalf of the assignee identified below

**CERTIFICATE OF MAILING (37 CFR 1.8a)**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date:

August 6, 2002

Janet Knorr-Stonska

Janet Knorr-Stonska  
(Signature of person mailing paper)

08/14/2002 HMARZ11 00000038 032455 10035383  
02 FC:148 110.00 CH



IR6561-004

**Identity of Assignee and Title of Disclaimant (if applicable)**

The Petitioner represents that it has reviewed the required evidentiary record of assignment and hereby certifies that, to the best of Petitioner's knowledge and belief, title is in the assignee seeking to take this action.

The assignee is:

Name of assignee: Colgate-Palmolive Company  
Address of assignee: 909 River Road, P.O. Box 1343  
Piscataway, New Jersey 08855-1343

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ORIGINALLY FILED**

Title of disclaimant: Associate Patent Counsel  
authorized to sign on behalf of assignee

**Recordal of Assignment in PTO**

- ☒ the assignment was recorded on November 9, 2001  
Reel 012463  
Frame 0039  
☐ authorization for recordal of the assignment is separately attached

**Extent of Interest**

The extent of my (our) interest is in

- ☒ the whole of this invention  
☐ a sectional interest in this invention as follows (here state the exact interest of the disclaimant(s):

**Disclaimer**

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of:

- ☐ United States Patent No. \_\_\_\_\_ as presently shortened by any terminal disclaimer  
☒ Any patent granted on application number 10/037,216 expires on the same date and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

- ☐ United States Patent No. \_\_\_\_\_  
☒ Any patent granted on application number 10/037,216

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

- ☐ United States Patent No. \_\_\_\_\_ as presently shortened by any terminal disclaimer  
☒ Any patent granted on application number 10/037,216

in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminal disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The petitioner represents that it has reviewed the required evidentiary records of Assignments as evidenced by the Assignments to U.S. Serial No. 10/035,383 and to U.S. Serial No. 10/037,216 filed in the United States Patent Office and hereby certifies that, to the best of petitioner's knowledge and belief by the virtue of these Assignments, title is in the assignee seeking to take the action.

**Fee Status**

(37 CFR 1.20(d) and 37 CFR 1.321)

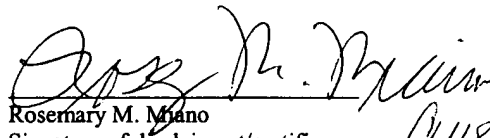
- ☒ other than a small entity - fee \$110.00

**Fee Payment**

- ☒ Charge Account 03-2455 the sum of \$110.00. A duplicate of this disclaimer is attached.

**Certification of Title**

It is hereby certified that the attached evidentiary document(s) which, to the best of the undersigned's knowledge and belief, establish the chain of title, have been reviewed, and, to the best of Assignee's knowledge and belief, title is in the Colgate-Palmolive Company, the Assignee herein. Copies of such documents are enclosed.



Rosemary M. Milano

Signature of disclaimant/certifier

Registration No. 29,674

COLGATE-PALMOLIVE COMPANY

909 River Road; P.O. Box 1343

Piscataway, NJ 08855-1343

Tel. (732) 878-7153

Aug. 6, 2002

**SUBJECT: DECISION ON TERMINAL DISCLAIMERS INFORMAL FORM**

DATE: 9-3-02

APPL. S.N.: 101235,383

TO EXAMINER: S. Dodson

ART UNIT: 1616

MOSE MONTGOMERY ROOM 11E18

MAILROOM DATE 8-12-02

AFTER FINAL YES ☐ NO ☒ NUMBER OF T.D(S). FILED 1

**INSTRUCTIONS:** I have reviewed the submitted T.D. with the results as set forth below. If you agree, please use the appropriate form paragraphs identified by this informal memo in your next office action to notify applicant about the T.D. If you disagree with my analysis or have questions at all about the acceptability of the T.D., please see me or our Special Program Examiner. THIS MEMO IS AN INFORMAL, INTERNAL MEMO ONLY. IT MUST NOT BE MAILED TO APPLICANT, NOR SHOULD A COPY BE LEFT IN FILE.

☒ The T.D. is PROPER and has been recorded. (See 14.23).

☐ The T.D. is NOT PROPER and has not been accepted for the reason(s) checked below. (See 14.24).

☐ The recording fee of \$\_\_\_\_\_ has not been submitted nor is there any pre authorization in the application file to charge to a deposit account. (See 14.26.07)

☐ Application Examiner has not processed T.D. fee. (See fee authorization).

☐ The T.D. does not satisfy Rule 321(b)(3) in that the person who has signed the T.D. has not stated his/her interest (and/or the extent of the interest of the business entity represented by the signature) in the application/patent. (See 14.26 and 14.26.01).

☐ The T.D. lacks the enforceable only during the common ownership clause needed to overcome a double patenting rejection, Rule 321(c). (See 14.27, 14.27.01).

☐ It is directed to a particular claim(s), which is not acceptable since "the disclaimer must be of a terminal portion of the term of the entire patent to be granted". MPEP 1490. (See 14.26, 14.26.02).

☐ The person who signed the terminal disclaimer:

☐ has failed to state his/her capacity to sign for the business entity, (See 14.28).

☐ is not recognized as an officer of the assignee, (See 14.29 and possibly 14.29.01).

☐ No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame specified as to where such evidence is recorded in the office. 37 CFR 3.73(b). (See 1140 O.G. 72). **NOTE:** This documentary evidence or the specifying of the reel and frame may be found in the T.D. or in a separate paper submitted by applicant. (See 14.30).

☐ No "statement" specifying that the evidentiary documents have been reviewed and that, to the best of the assignee's knowledge and belief the title is in the assignee seeking to take action. 37 CFR 3.73(b). (See 1140 O.G. 72) (See 14.31).

☐ The T.D. is not signed. (See 14.26, 14.26.3). or 14.26.03 if TD is not signed by all the owners.

☐ Attorney not of record in oath/decl. or a separate paper filed appointing a new or associate attorney. (See 14.29.01).

☐ The serial number of the application (or the number of the patent) which forms the basis for the double patenting is missing or incorrect. (See 14.32).

☐ The serial number of this application (or the number of the patent in reexam or reissue case(s) being disclaimed is missing or incorrect. (See 14.26, 14.26.04 or 14.26.05).

☐ The period disclaimed is incorrect or not specified. (See 14.27, 14.27.2 or 14.27.3)(For Samples 14.27.04 and 14.27.05)

☐ Other: \_\_\_\_\_

☐ Suggestion to request refund of \$\_\_\_\_\_. (See 14.35, 14.36).

☐ **EXAMINER NOTE: IF APPLICATION IS IN CONDITION FOR ALLOWANCE ANY OF THE ABOVE INFORMALTIES MAY BE FAXED IN TO THE GROUP**

**FOR SAMPLE TERMINAL DISCLAIMERS AND CERTIFICATES:**

☐ Sample of a TD over a pending application and assignee Certificate (See 14.37).

☐ Sample of a TD over a prior patent and assignee Certificate (See 14.38).

☐ Sample Assignee Certificate under 37 CFR 3.73 (b) (See 14.39)

10/  
037,216